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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Special Public Meeting
1424th Meeting Session [2nd of 2016]

6:30 p.m. to 6:53 p.m.
Thursday, January 14, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, VICE CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13 JENNIFER STEINGASSER

14 STEVE COCHRAN

15 ELISA VITALE

16

17 Other:

18 SARA BARDIN

19 ZEE HILL

20 ESTHER BUSHMAN

21 ALAN BERGSTEIN, ESQ.

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P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Okay. Good evening,
3 ladies and gentlemen. This is the Special Public
4 Meeting of the Zoning Commission for the District of
5 Columbia. My name is Anthony Hood. Joining me are
6 Vice Chair Cohen, Commissioner Miller, May, and
7 Turnbull. We're also joined by the Office of Zoning
8 staff, our director Ms. Bardin, Ms. Schellin, Ms.
9 Bushman, and also Ms. Hill. Also the Office of
10 Attorney General, Mr. Bergstein, Office of Planning,
11 Ms. Steingasser, Mr. Lawson, Ms. Vitale, and Mr.
12 Cochran.

13 We do not take any public testimony at our
14 special public meetings. And with that I will turn
15 it over to Ms. Schellin. If you can just recite the
16 cases that we're dealing with tonight before us?

17 MS. SCHELLIN: Yes, sir. We have Zoning
18 Commission Case No. 08-06A, which is the Zoning
19 Regulations review, and 08-06B, which is the fee
20 schedule for the Zoning Commission and the Board of
21 Zoning Adjustment, and 08-06C, which is the mapping
22 of the zones, the change.

23 CHAIRPERSON HOOD: Okay. Thank you, Ms.
24 Schellin. Colleagues, as you remember, when we dealt
25 with this in proposed, we mentioned that we had a few

1 changes and we have received those texts and tracked
2 changes that we requested. And I want to know first
3 before, we have received them, and I want to know if
4 anyone has anything in this code that they want to
5 revisit.

6 Okay. Not hearing -- seeing the general
7 consensus of anything not to revisit.

8 Well, let me just ask this; would somebody
9 like to make a motion?

10 MR. MAY: Mr. Chairman, could I ask? I mean,
11 I think there is a question that we wanted to resolve
12 about effective date.

13 CHAIRPERSON HOOD: Okay.

14 MR. MAY: Should we resolve that before --

15 CHAIRPERSON HOOD: Okay. Okay. We can
16 discuss that. And we can discuss anything that's
17 outstanding and then maybe we can be inclusive and
18 put everything in a particular motion.

19 MR. MAY: Right.

20 CHAIRPERSON HOOD: Okay. All right. Vice
21 Chair Cohen.

22 MS. COHEN: Thank you, Mr. Chairman. I think
23 in our earlier discussions and at preliminary final
24 we thought a six-month period would be appropriate
25 for implementation. But I suggest that we be --

1 provide even an actual firm date. And it seems
2 reasonable to state right after our break in August -
3 - we don't meet in August -- but that six months is
4 September and I think that the day after Labor Day,
5 September 6th, would be an appropriate time to
6 implement the zoning rewrite. Anybody else?

7 MR. MAY: Mr. Chairman, I would agree with
8 Vice Chair. I think it makes sense to fix the date.
9 So I would be supportive of that.

10 MR. TURNBULL: Mr. Chair, I would be in
11 support of that also. It's actually six months
12 actually -- anyway. So I see no reason not to.

13 CHAIRPERSON HOOD: Okay. So we --

14 MR. MILLER: Just to chime in since I made
15 the motion on the effective date the last time.
16 Yeah, I'm supportive of a firm date and this is
17 anticipating that we'll see publication of the final
18 order in late February. And so - and if it gets
19 pushed -- if that publication gets pushed way beyond,
20 then we feel the need to change the date at that time
21 we can always do that. But I think the day after
22 Labor Day is a reasonable firm date to state to the
23 public right now.

24 CHAIRPERSON HOOD: Okay. I'm just waiting on
25 a little bit of information, if we can just hold

1 tight for a moment?

2 Okay. We also did receive some comments and
3 corrections to the map entitled W, and I think we can
4 just ask our counsel to make sure we straighten that
5 out and clarify that. Any objections?

6 MS. COHEN: No, sir.

7 CHAIRPERSON HOOD: Okay. Anything else? Any
8 comments?

9 And let me just ask, we are -- can we
10 consolidate the approval with all three cases with
11 the date of when it's effective and put it all that
12 in one motion, or do we have to separate everything
13 out?

14 MR. BERGSTEIN: No, you can approve all three
15 cases together, with the understanding that there
16 were -- you actually have to vote on them all
17 together and they would all have the same effective
18 date. So, yes.

19 CHAIRPERSON HOOD: Okay. Just want to make
20 sure we're prepared to go forward with that. Okay.
21 So, I know people have probably been waiting for this
22 a long time, so give me the pleasure and honor of
23 moving, and we approve Zoning Commission Case No. 08-
24 6A, 08-06B, and 08-06C with the flexibility -- well,
25 any spelling and grammatical errors, any omitted

1 words, remove any duplicate text, change section
2 headings to clarify internal consistency, and correct
3 and add cross-reference. Am I leaving anything out?

4 Okay. And also with the effective date of
5 September the 6th, which may be possibly be changed,
6 nothing set in stone, September 6th of 2016. I would
7 move that long-time motion that the City has been
8 waiting for for years and ask for a second.

9 MS. COHEN: Second.

10 CHAIRPERSON HOOD: Okay. It's been moved and
11 properly seconded. Any further discussion? Any
12 omissions that I made in the motion?

13 MS. COHEN: No, sir.

14 [Vote taken.]

15 CHAIRPERSON HOOD: Ms. Schellin, would you
16 record the vote?

17 MS. SCHELLIN: Gladly. Staff records the
18 vote five to zero to zero to approve final action in
19 Case No. 08-06A, 08-06B, and 08-06C with an effective
20 date of September 6th, 2016, with the flexibility to
21 correct spelling and grammatical errors, add omitted
22 words, remove duplicate text, change section headings
23 for clarity or internal consistency, and correct or
24 add cross-references.

25 Chairman Hood moving, Vice Chair Cohen

1 seconding, Commissioners Miller, May, and Turnbull in
2 support.

3 CHAIRPERSON HOOD: Okay. With that I think
4 this is one of the -- this is the longest case I've
5 ever sat on. I will tell you that there are a lot of
6 accolades that go out, and a lot of comments. But
7 what I'd like to do first is hear from my colleagues
8 and I guess I will wrap it up. So who would like to
9 -- Vice Chair, would you like to go first?

10 MS. COHEN: Well, I have been engaged in this
11 process for four years. I think at preliminary final
12 there are a number of people I had to thank.
13 However, this time I would in particular like to
14 thank you, Chairman, for your leadership in working
15 through and being very inclusive.

16 Just a small thing, on Tuesday, at the State
17 of the Union Address where President Obama used the
18 opportunity to be very very optimistic about the
19 future, the future of the country, I kind of wasn't
20 as enthusiastic as he could be. But on a local level
21 I do believe what he stated, how people came
22 together, how they disagreed, and how they finally
23 cooperated and compromised on a document that will
24 have tremendous effects on the future of Washington,
25 D.C.

1 I personally am proud that I have been part
2 of it. I believe that it doesn't satisfy everybody.
3 Nothing this extensive ever does. But it certainly
4 will demonstrate in the future that our city will
5 still remain the finest city in the world. Thank
6 you.

7 CHAIRPERSON HOOD: Thank you. Commissioner
8 Miller.

9 MR. MILLER: Thank you, Mr. Chairman. Yes,
10 I've only been involved here at the Zoning Commission
11 for -- on the Zoning Regulations rewrite for three
12 years and four months. But I did serve on the Zoning
13 Regulations Review Task Force that OP convened on
14 behalf of the Council Chairman back in -- I don't
15 know when that was. 2006, '07, '08, '09. I don't
16 know. It was a long time. This has been a long time
17 coming. This is a milestone and I would like to echo
18 the Vice Chair's commendation of our chairman,
19 Anthony Hood who has been steadfast throughout this
20 process, and patient, and has particularly pushed all
21 along for the maximization of community outreach and
22 community input.

23 And I think -- and asking the Office of
24 Planning every time that he and others asked the
25 Office of Planning to go back to the community, they

1 did so. And we appreciate the Office of Planning's
2 incredible work on this, and our own Office of
3 Zoning's work, and the Office of Attorney General.
4 It's just enormous -- it's an enormous effort to
5 comprehensively rewrite, reform, the Zoning
6 Regulations. And I think it was, as we all know, and
7 those who have followed it, it has been an evolving
8 document. It has changed greatly as the result of
9 the community input that we got from throughout the
10 time period from all the stakeholders and from our
11 own suggestions and from interested parties, ANC,
12 Civic Associations.

13 So I think it's a better document. We all
14 don't agree with everything in it. We've had that,
15 at least one week long of meetings where we voted on,
16 I think it was over 150 discrete questions that were
17 designed by our fabulous OZ and OP staff to
18 crystalize what all the issues were. They weren't
19 all -- there were many unanimous votes but there were
20 many -- there were several divided votes as well.
21 But we've moved on from that. And I think we have a
22 good consensus document.

23 And it is a, as you pointed out, Mr. Chairman
24 in the past, it is a living document. It can be
25 amended from time to time as the current 1958

1 regulations have been amended repeatedly from time to
2 time when we needed to make, whether it's
3 corrections, clarifications or revisit policies or
4 consider new policies. So I'm pleased that we've
5 reached this milestone today and I thank everybody
6 for their involvement.

7 CHAIRPERSON HOOD: Okay. Thank you.
8 Commissioner Turnbull.

9 MR. TURNBULL: Thank you, Mr. Chair. Having
10 been here for the duration of the process serving
11 with you and actually going back 10 years when you
12 were Vice Chair, with Carol Mitten as Chair, it's
13 always been a pleasure working with you. And I think
14 you had a clear head. You fought for a lot of things
15 that people didn't agree with, and not all of us on
16 here. I think we've had enough arguments up here
17 too. But they've always been congenial and I think
18 we've tried to work together and see each other's
19 point of view. And so it's been a -- as I say, it's
20 been collegial atmosphere working up here, going
21 through all of this with this changing document that
22 we've had.

23 And we've had a lot of help along the way,
24 with that, with the Office of Planning, OAG, and the
25 Office of Zoning to help us go through and look at

1 this. And with OP's tracking all the changes I think
2 it's been a -- that was a laborious chore as it was,
3 and OAG's helping to review all of the comments that
4 we've made and consolidate them and go -- for us to
5 go back and review. So it's been an incredible
6 process but I think we have a significantly changed
7 document to work with going forward. I think this is
8 something that will benefit the whole city and I
9 think not only residents but attorneys, everyone, law
10 makers, architects. Everybody can now use the
11 document and understand -- hopefully understand the
12 zoning of the city a little bit better, and come and
13 find themselves a little bit more in tuned to what's
14 going on.

15 So I think it's been a great process and I
16 want to thank you for your leadership. And I look
17 forward to interpreting this document as we go
18 forward.

19 CHAIRPERSON HOOD: Okay. Thank you, Mr.
20 Turnbull. Commissioner May.

21 MR. MAY: Okay. I'll try not to repeat too
22 much. So I'm especially pleased to be at this point.
23 I have served in the Zoning Commission in two chairs
24 and one at that end, one at this end. And I was
25 fortunate to come back on the Commission just in time

1 for this case, so a little over eight years ago. And
2 so all the substance of this case has occurred since
3 then. And it's great now, looking back on it. I
4 mean, there were some torturous moments there with
5 marathon hearings and a lot of difficult discussions.
6 But it's been a good process overall and I think
7 we've come up with a really superb document thanks to
8 the many people who were involved.

9 You know, I think I previously expressed
10 thanks to the staff of the Office of Zoning, the
11 Office of Planning, the Office of the Attorney
12 General, and the many other people who were involved,
13 including the members of the public.

14 I do think that what we have now is a code
15 that is really designed for the future of Washington.
16 I think we tried to look a little bit further into
17 the future when we started. And I think we had to
18 compromise a little bit. But I do feel that we made
19 some very positive steps into the future and how
20 Washington will be shaped by this new zoning
21 regulation.

22 So back to thanks for a second, I do want to
23 thank all of my fellow commissioners, including those
24 who served and left before it got done but were ably
25 replaced and the relative newcomers getting us over

1 the finish line. And of course I do want to thank
2 the Chairman as well. And I'm tempted to break the
3 rules here and make a public display that the
4 Chairman would actually object to if it was coming
5 from the audience. But I would approve -- applaud
6 the chairman.

7 [Applause.]

8 MR. MAY: I dare you. Go ahead. Anyway,
9 thank you very much.

10 CHAIRPERSON HOOD: Okay. I have said a lot
11 during proposed and I've said a lot through this
12 whole process about thanking a lot of people, so
13 indulge me for a moment. Some of it may be
14 repetitive but I think it's due.

15 I want to thank the Office of the Attorney
16 General, the Office of Zoning, Office of Planning,
17 developers, the ANC and the public, and I really want
18 to thank the mayors who have been under this. I
19 think when this started Mayor Williams, Mayor Gray,
20 and now Mayor Bowser, I want to thank all of them
21 because they have been supportive in this process,
22 and more than all -- all of them have stayed out of
23 this process. And I can say that. I'm not scared to
24 say that because they stayed out of it.

25 This has been the Zoning Commission process.

1 And you know, I know we didn't always agree.
2 Community didn't always agree. The five of us didn't
3 always agree. But I think that makes a better
4 document, when everyone has -- you know, we all come
5 from different walks of life and we all come from
6 different exposures. And when you put all those
7 exposures together and then we come up with a
8 document like this, I think the City will be better
9 served. I'm looking forward to it standing the test
10 of time. And I know that we will see how this works
11 as one of my colleagues has already mentioned.

12 But most of all, I really want to thank
13 everyone who ever had anything to do with this
14 document. Especially our former colleagues, which
15 was already mentioned. Some of them started, some of
16 them -- and they're not around here, but they also
17 can rest their hat on this document.

18 But really, I really want to thank my four
19 colleagues. You all have put up with how I have
20 tried to do things. We have worked together, some of
21 them. We may have disagreed. But like one of my
22 colleagues had mentioned, it was collegial. And
23 that's what it's about.

24 Now I guess the main thing is now, once our
25 effective date -- let's put this document to work.

1 Let's see what happens. And let's make this --
2 Washington, D.C. a better place for all of us to
3 live. So I don't have anything to add and I
4 appreciate all the nice comments.

5 But again, the folks, our support staff, and
6 I don't need to name them again, were very helpful in
7 getting this ready. And when I say support staff,
8 public who is watching the stream, I mean the public
9 also as well as the ANC, and everyone who had
10 anything to do with helping us make this document.
11 And I don't think I missed anybody. If I did, we
12 include you too.

13 So, does anybody have anything else? I was
14 going to ask the staff but I think we'll leave it at
15 that. I was going to turn it over to Office of
16 Planning and Office of Zoning, but you know what --
17 and then I would have to get Mr. Williams to speak on
18 behalf of the community.

19 So what I'm going to do, I'm going to leave
20 it at that and we can see each other in the street
21 and have those comments. Okay. Anything else, Ms.
22 Schellin.

23 MS. SCHELLIN: No, sir.

24 CHAIRPERSON HOOD: Okay. So with that again
25 I want to thank everyone. This is seven to eight

1 years coming. Appreciate everything and this special
2 public meeting is adjourned.

3 [Meeting adjourned at 6:53 p.m.]

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